

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FOSSA LTD., ICELANDICPLUS, LLC, and STEVEN BARLOW,)	
)	
Plaintiffs/Counterclaim Defendants,)	
)	
v.)	
)	
I JIAN LIN and ENCOMPASS COMMUNICATIONS, INC.,)	
)	
Defendants/Counterclaim Plaintiffs,)	C.A. No. 1:16-cv-11914-LTS
)	
v.)	
)	
VALENTIN DAVID GURVITZ, ESQ., BOSTON LAW GROUP, P.C., and SONYA LIVSHITS,)	
)	
Counterclaim Defendants.)	

**MEMORANDUM IN SUPPORT OF CONSOLIDATED MOTION TO DISMISS
COUNTERCLAIMS AGAINST FOSSA LTD., ICELANDICPLUS, LLC, STEVEN
BARLOW, AND SONYA LIVSHITS PURSUANT TO: (1) M.G.L. c. 231, § 59H;
(2) FED. R. CIV. P. 8(a); and (3) FED. R. CIV. P. 12(b)(6)**

Counterclaim Defendants Fossa Ltd., IcelandicPLUS, LLC, Steven Barlow (“Barlow”), and Sonya Livshits (“Livshits”), hereby move that this Honorable Court: (1) dismiss Counterclaim Count XIV (Abuse of Process) as against Barlow under the Massachusetts Anti-SLAPP statute and award the Barlow his reasonable costs and attorney’s fees in connection thereto; (2) dismiss all other Counterclaim counts as against Fossa Ltd., IcelandicPLUS, LLC, Barlow, and Livshits for failing to state a claim upon which relief may be granted under Fed. R. Civ. P. 12(b) and for failure to plead with sufficient particularity

under Fed. R. Civ. P. 9(b); and (3) alternatively, require – to the extent that any Counterclaim counts against Fossa Ltd., IcelandicPLUS, LLC, Barlow, and Livshits survive – that the Defendants be required to re-plead those Counterclaim counts (and only those Counterclaim counts) in accordance with the requirements of Rule 8.

Respectfully submitted,

FOSSA LTD., ICELANDICPLUS, LLC,
STEVEN BARLOW, and SONYA LIVSHITS

/s/ Thomas M. Ciampa
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Dated: February 2, 2017

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on February 2, 2017.

/s/ Thomas M. Ciampa

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I, Thomas M. Ciampa, hereby certify that, prior to filing this motion, I conferred with counsel for the Defendants in an attempt to narrow or resolve the issues raised herein.

/s/ Thomas M. Ciampa